



## **South Coast Air Quality Management District**

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# **Small Business Assistance Conference**

# Small Business Assistance Conference



## Air, Water, Waste Compliance

*South Coast Air Quality Management District*

Ed Pupka, Senior Compliance Manager, Engineering and Compliance

### Air Quality Compliance and the Small Business Connection



Edwin L. Pupka  
Senior Compliance Manager  
Engineering & Compliance  
South Coast Air Quality Management District

### Compliance Program Goals

- Trained, experienced field staff providing ongoing field presence
- Timely compliance determinations and prompt remediation of noncompliance
- Achieving level playing field with consistent, fair field enforcement policy & practice for all
- Prompt resolution of community air quality complaints

### AQMD Regulates ~ 26,000 Facilities

- 379 RECLAIM facilities
- 789 Title V - Phase I
- 300 Title V - Phase II
- ~7,000 Service Stations (Commercial & Retail)
- ~2,800 Dry Cleaners
- ~4,500 Auto Body Shops



### Compliance Organization

- By source type
  - Refineries
  - Power plants
  - Waste management facilities
  - Toxics facilities
  - Retail gasoline dispensing facilities
- By community (geographic sectors)
  - Industrial facilities
  - Neighborhood commercial operations

### How AQMD Regulates

Regulatory Framework	Federal	State	Local (AQMD)
Air regulations	NEHAPS NSPS	ATCM	AQMD Rules & Regulations
Permitting requirements	Title V NSR	Portable IC Engines	RECLAIM facility permits Equipment permits

### Community-Based Deployment

Dedicated sector inspectors are responsible for general industrial facility inspections and response to/resolution of local community complaints



Familiarity with community helps expedite identification of emission sources and problem facilities



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### Compliance Program Features

- Inspections
- Complaint Response & Resolution
- Source Education & Outreach

### Inspection Process

- Verifying that permit is posted and that facility and equipment information on permit matches facility and equipment information on site
- Determining current ownership status
- Assessing compliance with applicable emissions-based federal, state, and AQMD rule requirements and permit conditions

### Command/Control Inspection Strategies

Under command-and-control, almost every piece of equipment that emits or controls air pollution is regulated individually by AQMD.



### Inspection Process

(continued)

- Confirming that proper records are being kept in a timely manner
- Documenting changes in production and operations
- Taking enforcement action as necessary to correct noncompliance
- Providing information and outreach to promote ongoing compliance

### Compliance Inspection Requirements

Small businesses require annual inspections to assure sustained compliance with command-and-control strategies

### Complaint Response

- AQMD receives air quality complaints 24 hours a day, 7 days a week via toll-free phone calls
- Off-hours inspection program
- Standby complaint response with sector inspectors
- "Hot List" complaint response
  - Immediate response as necessary; otherwise
  - Response triggered by receipt of 3 complaints against a source within 1 hour
- Emergency incident response support to requesting agencies

1-800-CUT-SMOG



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### Source Education & Outreach

- Rule-specific compliance training provided for various industry groups
  - Rule 461 (Gasoline dispensing facilities)
  - Rule 1403 (Asbestos demolition & renovation)
- One-on-one instruction and outreach provided on site to help sources understand and meet compliance requirements

### Compliance Policy and Practice

- Consistent and fair field enforcement
  - Integration of Statewide Minor Violation Policy with existing AQMD Notice to Comply Policy (Rule 112)
  - Notices of Violation issued for emissions-based noncompliance
  - Orders for Abatement for ongoing noncompliance
  - Policies & Procedures for assessing fines & penalties

### Small Business Assistance

- AQMD website: [www.aqmd.gov](http://www.aqmd.gov)
  - Streamlined Record Keeping Forms and Instructions
  - On-line Shop Talk For Dry Cleaners and Auto Body Shops
  - Understanding Permits

### Compliance Challenges

- Noncompliance at service stations & dry cleaners
- Noncompliance and permit problems at other sources
  - Change of ownership, expired permits, unpermitted equipment
  - Inadequate or lack of required records to document product usage or emissions

### Small Business Assistance

- Technical Consultation Service
  - On-site confidential review and assessment of facility operation
  - Requires timely resolution of compliance problem(s) by facility owner/operator without fines or penalties
- 1-800-388-2121 information line

### Compliance Trends

- Simplifying compliance requirements
  - Streamlines recordkeeping by sources
  - Enhancing Compliance Assisting Material
    - O & M program for independent service stations
- Enhancing new business identification
  - Many new businesses unaware of AQMD rules and permit requirements
  - Creates level playing field
  - Reduces emissions



## Sanitation Districts of Los Angeles County

### **Paul Martyn**

*Head of Industrial Waste Section*  
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### SIGNIFICANT NON-COMPLIANCE (SNC)

Paul Martyn  
Head, Industrial Waste Section



### SIGNIFICANT NON-COMPLIANCE (SNC)

FEDERAL REGULATION

#### CRITERIA

### SIGNIFICANT NON-COMPLIANCE (SNC)

FEDERAL REGULATION

CRITERIA

DETERMINATION

HOW TO AVOID BEING IN SNC

GENERAL DISCUSSION



#### SNC CRITERIA

##### NUMERICAL VIOLATIONS

Criteria No. 1 to 4

Violations of Wastewater  
Discharge Limits

##### NON-NUMERICAL VIOLATIONS

Criteria No. 5 to 8

Violations of Compliance  
schedule milestones,  
Failure to submit required  
information

Federal Regulations - 40 CFR 403.8(f)(2)(vii)



### SNC CRITERIA

#### NUMERICAL VIOLATIONS

1. Chronic Violation - 10% of measurements exceed daily max.,
2. TRC - 33% of measurements exceed 1.2 times the daily max.,
3. Any violations which causes interference and/or pass through,
4. Any discharges which causes imminent danger to health,

#### NON-NUMERICAL VIOLATIONS

5. Failure to install within 90 days of the required schedule date,
6. Failure to submit within 30 days of the required schedule date
7. Failure to accurately report non-compliance,
8. Any violation which will adversely affect the operation of the pretreatment program.





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### SIGNIFICANT NON-COMPLIANCE (SNC)

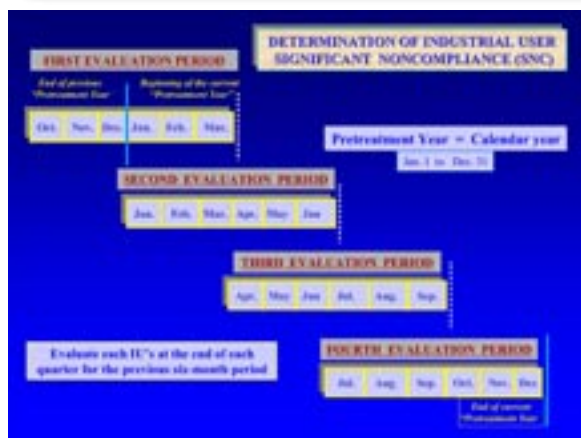
FEDERAL REGULATION

CRITERIA

DETERMINATION

### HOW TO AVOID BEING IN SNC LIST

- Understand SNC Criteria.
- Perform the testing for the Self-Monitoring Report early in the reporting period and if violations are detected, resample and send the results to the CSD.
- Perform additional monitoring of the wastewater and again send the results to the Districts as soon as possible.
- Be diligent on all the Districts' submittal and reporting requirements.



### SIGNIFICANT NON-COMPLIANCE (SNC)

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### SIGNIFICANT NON-COMPLIANCE (SNC)

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### SNC TRAINING WORKSHOPS

- EVERY YEAR IN AUG AND SEPT.

FOR ANY QUESTIONS CALL

HARRY MEHTA

(562) 699 - 7411 EXT. 2903

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## Los Angeles Regional Water Quality Control Board

### **Dan Radulescu**

*Water Resources Control Engineer*  
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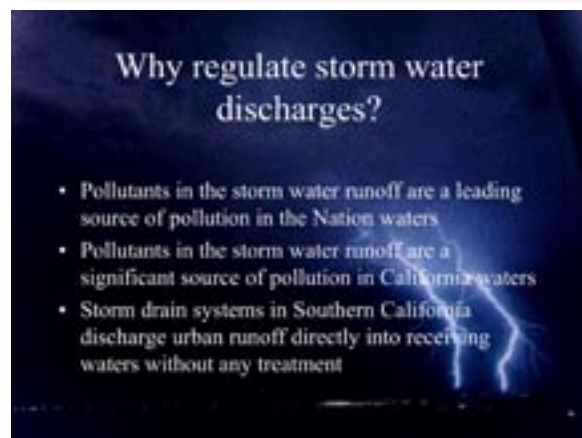
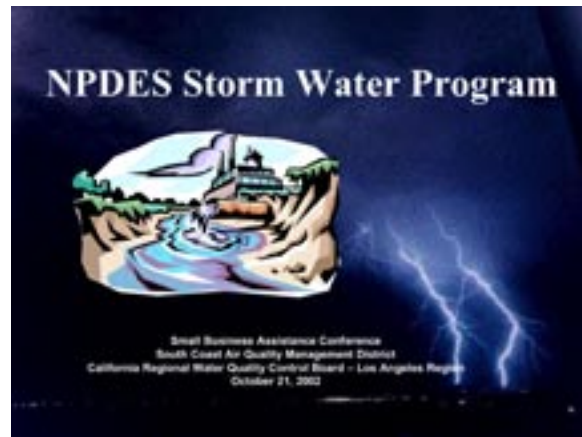
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### Regulatory Background

- Clean Water Act 1987
- USEPA Regulations 1990
  - Phase I 1990
  - Phase II 2003

### Regulatory Background

- Municipalities, Industries and Construction sites covered through permits issued by the Permitting Authority
- Industries, commercial businesses and construction sites also regulated by municipalities due to requirements in their Municipal SW permits

### The Storm Water Program

- Industrial Activities
- Large and Small Construction Sites
- Municipal Separate Storm Sewer Systems (MS4s)

### The Industrial/Commercial Storm Water Program Regional Board/Municipal Partnership

- Phase I Industrial Facilities
- Commercial Facilities
- Construction sites

### Summary - Phase I

- General permits available for certain categories of industrial activities
- General permits available for construction activity disturbing > 5 acres
- Most MS4s > 100,000 in population have individual Phase I MS4 permits

### Phase I Industries

- Facilities with Industrial manufacturing processes (e.g., oil refineries, iron smelting)
- Waste storage and handling facilities (landfills; Treatment Storage Disposal Facilities)
- Transportation facilities with repair and maintenance activity (fleet maintenance facilities; warehouses with onsite repair)
- Look alikes of the above (auto salvage yards, marinas with boat repair docks)



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### Regulated Industrial Activities

- Category One (i): Facilities with effluent limitations
- Category Two (ii): Manufacturing
- Category Three (iii): Mineral, Metal, Oil and Gas
- Category Four (iv): Hazardous Waste, Treatment, or Disposal Facilities
- Category Five (v): Landfills
- Category Six (vi): Recycling Facilities
- Category Seven (vii): Steam Electric Plants
- Category Eight (viii): Transportation Facilities
- Category Nine (ix): Treatment Works
- Category Ten (x): Construction Activity \*
- Category Eleven (xi): Light Industrial Activity

### Site Inspection Expectation Municipal Permit Level

- Minimum Best Management Practices are mandatory
- Facilities must consider all appropriate BMPs
- There must be tangible evidence of the effort to comply

### Site Inspection Expectation General Industrial Permit Level

- Facility owner/operator filed Notice Of Intent (NOI)
- Prepared a Storm Water Pollution Prevention Plan (SWPPP)
- Prepared a Monitoring Report
- Facilities must implement all appropriate BMPs
- There must be tangible evidence of the effort to comply
- Perform the monitoring activities and submit an Annual Report to the Regional Board

### Site Inspection Expectation

- BMPs effectiveness
  - Visual Observation during dry weather
    - Non-storm water discharges
    - Good housekeeping
    - Stain markings
    - Trash and Debris
    - Status of catch basins, sumps, and inlets
    - Status of BMPs selection and implementation
  - Wet weather (rain events)
    - Better BMPs effectiveness assessment
    - No sediments, oily sheen, trash or debris

### Basic Requirements of a SWPPP

- Pollution prevention team
- Identify potential pollutants sources
- Identify appropriate BMPs and implement them
- Routine visual observation of the site during the year
- Sampling and analysis
- Annual comprehensive evaluation
- Annual report

### Facilities Universe

- Phase I
  - Regional Board is lead with assistance from Municipal Permittees
  - Non-filers
- Other Critical Sources
  - Restaurants
    - Local Health Departments are lead
  - Auto service
    - Municipal Permittees are lead
  - Gas Stations
    - Municipal Permittees are lead





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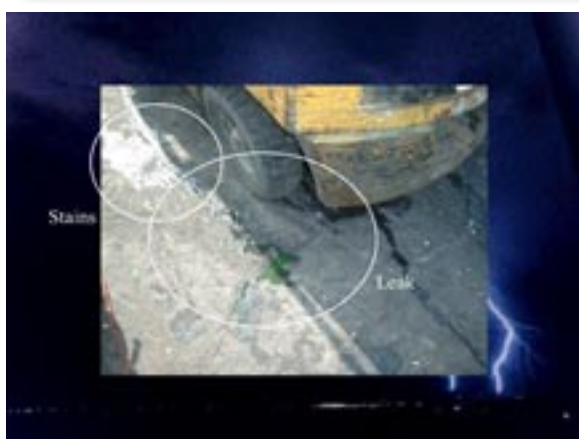
Dan Radulescu, Water Resources Control Engineer

### Online Resources

- USEPA HQ - [www.epa.gov/](http://www.epa.gov/)
- State Water Resources Control Board <http://www.swrcb.ca.gov/statewater/index>
- Los Angeles Regional Water Quality Control Board <http://www.swrcb.ca.gov/region44.html#programs/statewater/statewater>
- Department of Toxic Substances Control <http://www.dts.ca.gov/>
- California Governor's Office of Emergency Services <http://www.oes.ca.gov/>
- County of Los Angeles <http://ladps.org/wmd/NPDES/>
- City of Los Angeles <http://www.lacity.org/SAN/wpd/index.htm>



### State Board Small Business Assistance at <http://www.swrcb.ca.gov/business/business.html>



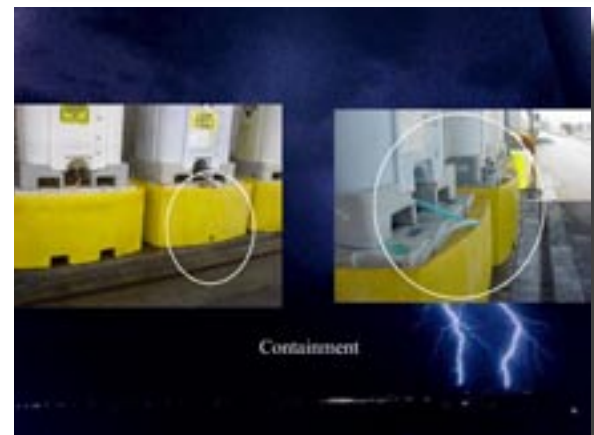
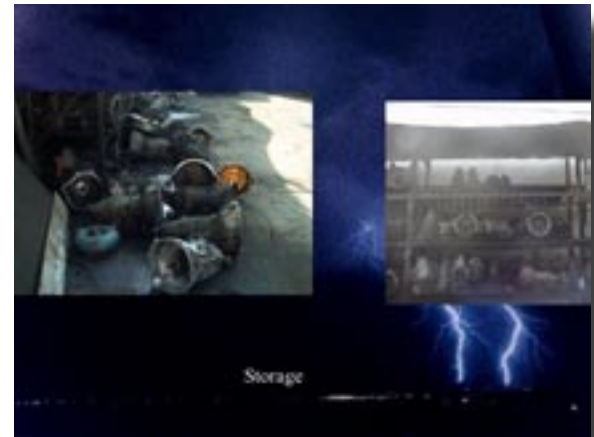
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## California Department of Toxic Substances Control

**Florence Gharibian**

*Branch Chief*

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Florence Gharibian, Branch Chief, Statewide Compliance Division

### Hazardous Waste Compliance Tips



Florence Gharibian, Branch Chief,  
Statewide Compliance Division,  
Department of Toxic Substances Control  
Glendale Office, (818) 551-2800

### Why does this matter to all of us?

- ◆ A waste is considered hazardous if it could potentially threaten human health or the environment
- ◆ A waste that could explode, ignite, corrode metal or poison humans or other animals.
- ◆ One area of DTSC's work we can all relate to is the School's Program. Under this program we conduct extensive environmental reviews to ensure that new schools are environmentally safe and children are protected from the potential effects of exposure to hazardous materials.



### The Talk Today

- ◆ Information about the Toxic Substances Control Department/Hot Topics
- ◆ How companies are selected for inspection/Which regulatory agencies might do an inspection
- ◆ How to get ready for an inspection/How to survive an inspection.

### Statewide Compliance Division/Hot Topics



- ◆ Emergency regulations requiring more stringent reporting of unresolved manifest discrepancies involving wastes that could be used as weapons of terror, namely explosive and poisonous wastes.
- ◆ Better tracking of wastes imported or exported from the US.
- ◆ More transporter inspections.

### How do I find Information re: what Cal/EPA and DTSC are up to?



- ◆ All of Cal/EPA's Boards and Department's are constantly upgrading our WEB pages.
- ◆ Our Web page has :
- ◆ Critical phone numbers, how to file complaints, Duty Officers, EPA #'s....
- ◆ Information on new regulations, policies, etc.
- ◆ Other compliance information

### More on Hot Topics



- ◆ Disclosure statements for new permits.
- ◆ Better manifest and inspection tracking.
- ◆ Closer review of recycling issues.
- ◆ Consistent application of penalty regulations.



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### Deciding Inspection Priorities

- ◆ Complaint
- ◆ May be related to other companies under investigation
- ◆ Work with other environmental agencies
- ◆ Communities at greater risk

### Which agencies inspect hazardous waste generators

- Consolidated Uniform Program Agency (CUPA) Consolidation of 6 environmental programs at the local level)
- Department of Toxic Substances Control
- US Environmental Protection Agency
- Environmental Crimes Task Force

### TIPS

- ◆ Understand inspector's role and which agencies inspect for HW rules
- ◆ Prepare records and HW areas for inspection
- ◆ Learn where to get more information

### HW Inspection

- ◆ Frequency: usually at least every 3 years
- ◆ Format: (CUPA) may or may not use a checklist
- ◆ Walk through facility and waste areas
  - Identify satellite accumulation areas, generator points,
- ◆ Interview you about activities and changes

### Additional Tips

- ◆ Difficult to predict frequency of inspections/you may or may not receive notice
- ◆ Ask who the inspector represents and why they are there/see identification
- ◆ Our inspectors ask for consent
- ◆ Be prepared/even on a bad day
- ◆ Train your employees/more than one person

### About the Inspectors

- ◆ Engineering or Science Degrees
- ◆ Environmentalism versus business
- ◆ Duty to protect human health and the environment



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### Interacting with the Inspector

- ♦ Be professional
- ♦ Don't lie
- ♦ Communicate what you do and the pride you take in what you do
- ♦ Facilitate an efficient inspection
- ♦ Communicate any concerns/clear up any misunderstandings - double check

### Record Review

- ♦ Manifests
  - Electronic surveillance/pre-inspection
  - Manifests are key document, make sure you have all the designated copies together and available for inspection



### Format

- ♦ Really depends on the type of inspection and the inspector
- ♦ Interview/tell them what you do and how you do it
- ♦ Records Review/more later but be organized
- ♦ Walk Through/understand facility layout/follow any safety precautions/trade secret - let the inspector know in advance

### Emergency Contingency Plan

- ♦ Make sure it is readily available and current
- ♦ Is this a living document - or just paper work
- ♦ Double check to insure that Hazardous waste requirements are included in the plan

### Your Facility's Records

- ♦ Complete, organized and accessible
- ♦ Document your compliance efforts
- ♦ Show that it isn't just paperwork



### Training

- ♦ Only those employees working with Hazardous wastes
- ♦ Specific records for each employee
- ♦ Have the documents available





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### Employees



- ◆ Ensure they are trained
- ◆ Ensure they comply
- ◆ Employee attitude counts
- ◆ Employee participation is key factor
- ◆ Make them part of the process

### Housekeeping

- ◆ Perception counts
- ◆ Neatness & Organization
- ◆ No spills/or odors, or drums with the lids off or drums that look like your kid's science project
- ◆ Overall appearance of your business
- ◆ Bad housekeeping is a major red Flag

### Source Reduction Plan (SB 14)

- ◆ Required of generators routinely generating more than 26,400 lbs. of hazardous waste per year (approximately 3,165 gallons).
- ◆ The generators that need a Source Reduction Plan were required to submit a Summary Progress Report by September 1, 1999.

### Outcomes

- ◆ No Violation: Inspection report
- ◆ Violations:
  - Summary of Violations for
    - Class I: Most serious: I.e. illegal disposal or repeat offenses. (HSC 25110.8.5)
    - Class II: Less serious: but are knowing, willful, or intentional, or enable the violator to benefit economically. (22 CCR 66260.10)
  - Notice to Comply for
    - Minor: Least serious; excludes chronic or recalcitrant violator. No economic benefit. (HSC 25117.6)

### Walk Through

- ◆ Survey the process
- ◆ Identify the waste stream
- ◆ Review handling of waste streams
- ◆ Waste units and storage areas
- ◆ Any impacts on the environment



### Violations and Problems

- ◆ Make sure you understand the problem
- ◆ Share useful information that might clear it up
- ◆ Don't ignore violations/respond

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### Enforcement Options

- ◆ Informal: Letters, meetings, follow up inspections
- ◆ Formal: Administrative Orders
- ◆ Referrals to District Attorney
  - Criminal
- ◆ Maximum Penalties: \$25,000 per day of violation; 3 years in state prison

### Incentive To Comply

- ◆ No business wants a reputation as an environmental violator
- ◆ Your competitors may benefit
- ◆ Costs: Lost management & staff time, attorney costs, sampling, fines or penalties, & environmental consultants
- ◆ No one benefits when caught for environmental violations!!

### Compliance School

- ◆ The Compliance School is a joint effort between DTSC and the California Community College.
- ◆ It is administered through the Environmental and Safety Institute of Bakersfield College.
- ◆ The toll free number is 1-800-337-1422

### Self- Inspection Helps you Get Ready

- ◆ Do your own inspection "The White Glove Test"  
Do a self audit
- ◆ Review prior inspection reports/review your DTSC or CUPA file
- ◆ Review and organize documents
- ◆ Map/list generation points
- ◆ Review changes since last inspection
- ◆ Ask advice on any issues, questions, or potential problems

